



KEITH ELLISON  
ATTORNEY GENERAL

# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

SUITE 1100  
445 MINNESOTA STREET  
ST. PAUL, MN 55101-2128  
TELEPHONE: (651) 282-5700

May 15, 2019

The Honorable David T. Schultz  
Magistrate Judge, District of Minnesota  
United States District Court  
9E U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

**Re: *James Irving Dale v. Tom Roy, et al.***  
Court File No.: 18-cv-0886 (NEB/DTS)

Dear Magistrate Judge Schultz:

I am writing with respect to the Settlement Conference set in the above-entitled matter for June 6, 2019. The Court issued its Order setting the Settlement conference on May 10, 2019. (Doc. 104.)

I am the lead counsel for State Defendants, and I will be out of the office beginning May 16, 2019, and will return on June 1, 2019. During my absence, I will not have access to my work email or voicemail. With my absence and the current deadlines, my client will be hard pressed to participate in the mandatory pre-conference discussion and frame their pre-conference submissions to the Court in light of such discussions. As such, State Defendants respectfully request that the Court reschedule the Conference.

I have reached out to counsel for all other parties, who have confirmed that they advised me that they do not object to this request. In the event that the Court is willing to grant Defendants' request, my Office can work with all parties and the Court's Clerk to identify a new date. I appreciate your consideration of this matter.

The Honorable David T. Schultz

May 15, 2019

Page 2

Sincerely,

*/s/ Kathryn A. Fodness*

KATHRYN A. FODNESS  
Assistant Attorney General

(651) 757-1348 (Voice)  
(651) 282-5832 (Fax)  
kathryn.fodness@ag.state.mn.us

*Attorney for State Defendants*